

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL APONTE,

Defendant.

8:21-CR-117

**ORDER ON MOTION TO PROCEED IN
FORMA PAUPERIS**

This matter is before the Court on Defendant Michael Aponte's Motion to Proceed in Forma Pauperis. [Filing 128](#). The Motion requests that the Court grant him leave to appeal *in forma pauperis*. [Filing 128 at 1](#). Defendant also filed an affidavit outlining his financial status in support of his Motion. [Filing 130](#).

Pursuant to Federal Rule of Appellate Procedure 24(a), except as otherwise provided, "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court." [Fed. R. App. P. 24\(a\)\(1\)](#). Accompanying this request, a party must "attach an affidavit that: (A) shows in detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." [Fed. R. App. P. 24\(a\)\(1\)\(A\)–\(C\)](#).

The Court has reviewed Defendant's Motion and affidavit. Although Defendant meets the standard for indigency, his Motion does not satisfy all the requirements of Rule 24(a). Specifically, he has not included an affidavit that "states the issues that [he] intends to present on appeal." [Fed. R. App. P. 24\(a\)\(1\)\(C\)](#). See e.g., *Massie v. Anthony Timberlands, Inc.*, No. 6:06-CV-6005, 2008 WL 11440574, at *1 (W.D. Ark. Mar. 6, 2008) ("Plaintiff did not state the issues that he intends to appeal as required by [FED. R. APP. P. 24\(a\)\(1\)\(C\)](#)). He has, therefore, failed to comply with the

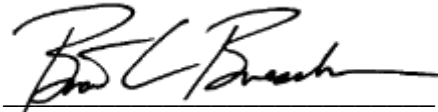
Federal Rules of Appellate Procedure in perfecting his *in forma pauperis* appeal”), *report and recommendation adopted*, No. 6:06-CV-6005, [2008 WL 11450881](#) (W.D. Ark. Apr. 9, 2008).

Because Defendant is indigent, the Court intends to grant him *in forma pauperis* status once he complies with Rule 24(a). At this time, however, Defendant’s Motion is deficient. Accordingly,

IT IS ORDERED that Defendant Michael Aponte’s Motion to Proceed in Forma Pauperis, [Filing 128](#), is denied without prejudice to reassertion.

Dated this 27th day of October, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge